

## JAMS, JELLIES, AND PRESERVES

20522. Adulteration and misbranding of peach jam, adulteration of grape jelly, and misbranding of plum jam. U. S. v. J. F. Garvey Co. and George W. Mechling. Pleas of nolo contendere. Fine of \$100, plus costs, against corporation and fine of \$70 against individual. (F. D. C. No. 35132. Sample Nos. 61142-L to 61144-L, incl.)

INFORMATION FILED: August 19, 1953, District of Nebraska, against the J. F. Garvey Co., a corporation, Lincoln, Nebr., and George W. Mechling, president of the corporation.

ALLEGED SHIPMENT: On or about October 24, 1952, from the State of Nebraska into the State of Kansas.

LABEL, IN PART: "Garvey's Plum Jam [or "Peach Jam" or "Grape Jelly"]."

NATURE OF CHARGE: Peach jam and grape jelly. Adulteration, Section 402 (b) (2), products containing less than 65 percent of soluble solids had been substituted for peach jam and grape jelly.

Peach jam and plum jam. Misbranding, Section 403 (e) (2), the articles failed to bear labels containing an accurate statement of the quantity of the contents since the labels on the cans containing the articles bore the statement "8 $\frac{1}{4}$  lb. Net Weight" and the cans of the articles contained less than 8 $\frac{1}{4}$  pounds; and, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for peach jam and plum jam since the soluble solids content of the articles was less than 65 percent, the minimum permitted by the definitions and standards.

DISPOSITION: October 9, 1953. The corporation having entered a plea of nolo contendere with respect to the counts relating to the adulteration of the peach jam and the misbranding of the plum jam and the individual having entered a plea of nolo contendere to the counts relating to the adulteration of the grape jelly and the misbranding of the peach jam, the court fined the corporation \$100, plus costs, and the individual \$70.

20523. Adulteration of guava jelly. U. S. v. 144 Cases \* \* \*. (F. D. C. No. 35321. Sample No. 72345-L.)

LIBEL FILED: June 19, 1953, Northern District of West Virginia.

ALLEGED SHIPMENT: On or about December 4, 1946, from New York, N. Y.

PRODUCT: 144 cases, each containing 48 15-ounce cans, of guava jelly at Buchanan, W. Va. Examination showed that the article had undergone chemical decomposition.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: July 22, 1953. Default decree of condemnation and destruction.

20524. Misbranding of peach preserves. U. S. v. 12 Cases \* \* \*. (F. D. C. No. 34955. Sample No. 59627-L.)

LIBEL FILED: May 13, 1953, Southern District of Georgia.

ALLEGED SHIPMENT: On or about September 12, 1952, by Groveland Products Co., Inc., from Miami, Fla.

PRODUCT: 12 cases, each containing 24 1-pound jars, of peach preserves at Eastman, Ga.

**LABEL, IN PART:** (Jar) "Packed For Stuckey's Eastman-Georgia Peach Preserves Net Weight."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for peach preserves since the article was made from a mixture composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the sweetening ingredients specified in the definition and standard; and, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since its label bore no statement of the quantity of the contents.

**DISPOSITION:** July 14, 1953. Default decree of condemnation. The court ordered that the product be delivered to a charitable organization for its use and not for sale.

### VEGETABLES

**20525. Misbranding of canned mushrooms. U. S. v. 46 Cases \* \* \*. (F. D. C. No. 35297. Sample No. 73301-L.)**

**LIBEL FILED:** June 8, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about April 29, 1953, by the Lescarbours Mushroom Co., from Kelton, Pa.

**PRODUCT:** 46 cases, each containing 24 cans, of mushrooms at Camden, N. J.

**LABEL, IN PART:** (Can) "Tartan fancy buttons Mushrooms."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label designation "fancy buttons Mushrooms" and the vignette depicting fancy button mushrooms were false and misleading as applied to the article, which was not fancy button mushrooms by reason of the mottled color and nonuniformity of size.

**DISPOSITION:** July 27, 1953. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

**20526. Adulteration of olives. U. S. v. 37 Cases \* \* \*. (F. D. C. No. 35347. Sample No. 59109-L.)**

**LIBEL FILED:** July 6, 1953, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about June 3, 1953, by the Kroger Co., from Cincinnati, Ohio.

**PRODUCT:** 37 cases, each containing 12 jars, of olives at East Point, Ga.

**LABEL, IN PART:** (Jar) "Embassy Drained Wt. 14 Oz. Salad Olives."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-infested and insect-damaged olives.

**DISPOSITION:** August 31, 1953. Default decree of condemnation and destruction.

**20527. Adulteration of olives. U. S. v. 22 Cases \* \* \*. (F. D. C. No. 35330. Sample No. 59343-L.)**

**LIBEL FILED:** June 24, 1953, Northern District of Georgia.

**ALLEGED SHIPMENT:** On or about September 5 and 22, 1952, from Houston, Tex.

**PRODUCT:** 22 cases, each containing 4 1-gallon jars, of olives at Atlanta, Ga.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** July 31, 1953. Default decree of condemnation and destruction.